



IT IS ORDERED as set forth below:

Date: June 29, 2023

James R. Sacca
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
LARRY DARNELL GORE, JR.,)	CASE NO. 21-51345-JRS
)	
Debtors.)	
-----)	
S. GREGORY HAYS, as Chapter 7 trustee,)	
)	
Movant,)	
)	
v.)	CONTESTED MATTER
)	
MIDFIRST BANK, NAVY FEDERAL CREDIT)	
UNION, INTERNAL REVENUE SERVICE,)	
WINNETT COUNTY TAX)	
COMMISSIONER, PEACEMAKER)	
CONTRACTORS, LLC, and LARRY)	
DARNELL GORE, JR.,)	
)	
Respondents.)	

ORDER GRANTING TRUSTEE'S MOTION FOR (I) AUTHORITY TO (A) SELL

**PROPERTY OF THE BANKRUPTCY ESTATE FREE AND CLEAR OF ALL LIENS,
INTERESTS, AND ENCUMBRANCES AND (B) DISBURSE CERTAIN PROCEEDS AT
CLOSING; AND (II) ALLOWANCE AND AUTHORITY TO PAY
ADMINISTRATIVE EXPENSE CLAIM**

On May 19, 2023, S. Gregory Hays, as Chapter 7 Trustee (“**Trustee**”) for the bankruptcy estate of Larry Darnell Gore, Jr. (“**Debtor**”), filed *Trustee’s Motion for (I) Authority to (A) Sell Property of the Bankruptcy Estate Free and Clear of All Liens, Interests and Encumbrances, and (B) Disburse Certain Proceeds at Closing; and (II) Allowance and Authority to Pay Administrative Expense Claim* [Doc. No. 68] (the “**Sale Motion**”), pursuant to 11 U.S.C. §§ 363(b), (f), and (m) and 503(b)(1), and Fed. R. Bankr. P. 2002(a)(2), 6004(a), 6004(c) and 9014. In the Sale Motion, Trustee sought, among other things, an order from the Court authorizing the sale (“**Sale**”) of that certain real property commonly known as 198 Melody Lane, Lawrenceville, Gwinnett County, Georgia 30043 (the “**Property**”), to Pho Huynh and Quoc Tran (collectively, the “**Purchasers**”), “as is, where is,” for the sale price of \$304,000.00 (the “**Purchase Price**”) in accordance with the terms of a *Purchase and Sale Agreement* (the “**Contract**”), attached to the Sale Motion as Exhibit “A.” Trustee has also requested, under 11 U.S.C. §503(b)(1), an order from the Court granting Peacemaker Contractors, LLC an administrative expense claim in the amount of \$13,983.84 (the “**Administrative Expense Claim**”) and authority to pay that Administrative Expense Claim for work that it performed at the Property after the Petition Date.

On May 22, 2023, Trustee filed *Notice of Trustee’s Motion for (I) Authority to (A) Sell Property of the Bankruptcy Estate Free and Clear of All Liens, Interests and Encumbrances, and (B) Disburse Certain Proceeds at Closing; and (II) Allowance and Authority to Pay Administrative Expense Claim; Deadline to Object; and for Hearing* [Doc. No. 69] (the “**Notice**”) regarding the Sale Motion, in accordance with the Third Amended and Restated General Order No. 24-2018. Counsel for Trustee certifies that he served the Notice on all requisite parties in interest on May

22, 2023. [Doc. Nos. 70 and 74].

The Notice provided notice of the opportunity to object and of a hearing to be held on June 22, 2023 (the “**Hearing**”), pursuant to the procedures in the Third Amended and Restated General Order No. 24-2018. No creditor or party in interest filed an objection to the Sale Motion prior to the objection deadline provided in the Notice.

Counsel for Trustee appeared at the Hearing. No other creditors or parties in interest appeared.

The Court having considered the Sale Motion, and all other matters of record, including the lack of objection by any creditor or party in interest to the relief requested in the Sale Motion and the statements of counsel at the Hearing, and based on the foregoing, finding that no further notice or hearing is necessary, and, the Court having found good cause exists to grant the relief requested in the Sale Motion, it is hereby

ORDERED that the Sale Motion is **GRANTED**. It is further

ORDERED that the Contract is **APPROVED** and its terms are incorporated into this Order. It is further

ORDERED that Peacemaker Contractors, LLC is hereby granted an Administrative Expense Claim in the amount of 13,983.84, and that Trustee is authorized to pay this allowed Administrative Expense Claim based on available funds. It is further

ORDERED that Trustee is authorized and directed to take any and all actions necessary or appropriate to (a) consummate the Sale of the Property to Purchasers and perform under the terms of the Contract; (b) execute, perform, consummate, implement, and close fully the Sale together with all additional instruments and documents that may be reasonably necessary; and (c) execute and perform all of the obligations of Trustee under the Contract. It is further

ORDERED that this Order shall be binding upon all creditors (whether known or unknown) of Debtor, Purchasers, Trustee, the Bankruptcy Estate, and their respective successors, assigns, affiliates, and subsidiaries. It is further

ORDERED that upon consummation of the closing of the Sale, the Property shall be transferred and assigned to Purchasers free and clear of all liens, claims, interests, and encumbrances with all unpaid, valid, and enforceable liens, claims, interests, or encumbrances attaching to the Sale proceeds with the same extent, validity, and priority that they held in the Property. It is further

ORDERED that the Sale of the Property to Purchasers is “as is,” “where is,” and without representation or warranty, express or implied, from Trustee. It is further

ORDERED that the transactions contemplated by the Contract and this Order are undertaken by the Purchasers in good faith, as that term is used in Section 363(m) of the Bankruptcy Code, and accordingly, the reversal or modification on appeal of the authorization provided herein to consummate the Sale of the Property shall not affect the validity of the Sale to the Purchasers, unless such authorization is duly stayed pending such appeal. The Purchasers are purchasers in good faith of the Property and are entitled to all the protections afforded by Section 363(m) of the Bankruptcy Code. It is further

ORDERED that, under Fed. R. Bankr. P. 6004(h), this Order shall be effective and enforceable immediately upon entry, and its provisions shall be self-executing. In the absence of any person or entity obtaining a stay pending appeal, Trustee and Purchasers are free to close the Sale of the Property at any time, at which time the gross sales proceeds shall be paid to Trustee pursuant to this Order, and those disbursements requested by the Trustee in his Sale Motion and at the Hearing are authorized to be made. It is further

ORDERED that this Court retains exclusive jurisdiction over any action relating to, based upon, or arising from disputes or controversies relating to or concerning the Sale, the Contract, or this Order.

[END OF DOCUMENT]

Order prepared and presented by:

ROUNTREE LEITMAN KLEIN & GEER LLC

Attorneys for Trustee

By: /s/ Michael J. Bargar

Michael J. Bargar

Georgia Bar No. 645709

Century Plaza I

2987 Clairmont Rd, Suite 350

Atlanta, Georgia 30329

Phone: (404) 410-1220

mbargar@rlkglaw.com

Identification of parties to be served:

Office of the United States Trustee
362 Richard B. Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, GA 30303

Navy Federal Credit Union
PO Box 23800
Merrifield, VA 22119-3800

Navy Federal Credit Union
Attn: Josephine E. Salmon
Aldridge Pite, LLP
4375 Jutland Drive, Suite 200
PO Box 17933
San Diego, CA 92177-0933

MidFirst Bank
Bankruptcy Department
999 NW Grand Blvd
Oklahoma City, OK 73118

MidFirst Bank
Attn: Heather D. Bock
McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076

Denise R. Mitchell, MPA
Gwinnett County Justice & Administration
Center
Tax Commissioner's Office
75 Langley Drive
Lawrenceville, GA 30046

Denise R. Mitchell, MPA
Gwinnett County Tax Commissioner
PO Box 372
Lawrenceville, GA 30046-0372

Michael Campbell
Attention: Denise Hammock
Campbell & Brannon, LLC
5565 Glenridge Connector, Suite 350
Atlanta, GA 30342

Department of Justice, Tax Division.
Civil Trial Section, Southern Region
P. O. Box 14198
Ben Franklin Station
Washington, D. C. 20044

John V. Ball
Humphries & King Realty
830 Glenwood Avenue
Suite 510-205
Atlanta, GA 30316

United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

John Gerard Brookhuis
Brookhuis Law, LLC
1350 Scenic Hwy
Ste 266
Snellville, GA 30078

Georgia Department of Revenue
Compliance Division
ARCS - Bankruptcy
1800 Century Blvd NE, Suite 9100
Atlanta, GA 30345-3202

Larry Darnell Gore, Jr.
198 Melody Lane
Lawrenceville, GA 20043

Michaelle Pretlow
198 Melody Lane
Lawrenceville, GA 30043

Peacemaker Contractors LLC
c/o William Collins
5025 Victoria Park Drive
Loganville, GA 30052

Douglas Pretlow
198 Melody Lane
Lawrenceville, GA 30043

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Lisa D. Smith
Bankruptcy Specialist
Internal Revenue Service
401 W. Peachtree ST, NW
M/S 334-D
Atlanta, GA 30308-3539

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
401 W. Peachtree Street, N.W.
Stop 334-D
Atlanta, GA 30308